

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Resource Management Company

v.

Civil No. 06-cv-366-JD

Frank Gregory

O R D E R

The parties in this matter appeared before me today on plaintiff's motion to compel answers to interrogatories and production of documents (document no. 25). Defendant objects (document no. 33). After hearing evidence and argument on this motion I notified the parties orally of my Order. Memorializing my verbal order, I find and direct as follows:

Plaintiff asserts that defendant has failed to thoroughly comply with plaintiff's proper discovery requests by providing incomplete answers to interrogatories and incomplete production of documents. I find that while defendant has collected and provided much of the information to plaintiff as requested, there remain significant gaps in the answers and documents provided, necessitating this Order. I therefore direct that defendant produce, under oath, the following information and documentation

for each of the 67 "Fen-Phen" cases in question in this case:¹

- The name of the client and any other identifying information (e.g., claim number) for each case;
- The status of each case, including whether or not it has been resolved or otherwise discontinued;
- The attorney(s) and/or firm(s) that handled each of the cases;
- Documentation of the fee arrangement in each case, including attorney/client fee agreements and arrangements or agreements between attorneys if more than one attorney or firm is involved in the case;
- Proof of any settlement, including amount and date of settlement, that may have occurred;
- Proof of a denial of award or lack of recovered legal fees in appropriate cases;
- A full and itemized statement of defendant's legal costs and expenses in each case;
- The total legal fees received in each case;
- The specific legal fee received by Gregory for each case where a fee was received and the date upon which it was received.

In addition to defendant's sworn statement averring the accuracy of the information provided pursuant to this Order, each of the items should be supported by appropriate documentation, including, but not limited to, bank account records, correspondence, settlement agreements, and client accounting sheets.²

¹I note that during the hearing, defendant's counsel indicated that he understood the substance of this Order and assured the Court the Order would be followed.

²The defendant has already agreed to provide bank account records. Further, based on the summary that defendant has provided already, it appears that the source material to comply with this Order exists and should be available for production.

The defendant is ordered to produce the described discovery within twenty (20) days of the date of this Order.

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: February 27, 2007

cc: Benjamin C. Riggs, Jr., pro se
Michael D. Ramsdell, Esq.
Mark E. Howard, Esq.